

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY

3
4 **IN RE: VALSARTAN PRODUCTS**
5 **LIABILITY LITIGATION**

CIVIL ACTION NUMBER:

19-md-02875

6 **CASE MANAGEMENT CONFERENCE**

7 Mitchell H. Cohen Building & U.S. Courthouse
8 4th & Cooper Streets
9 Camden, New Jersey 08101
December 6, 2023
Commencing at 12:46 p.m.

10 **B E F O R E:**

THE HONORABLE ROBERT B. KUGLER
UNITED STATES DISTRICT JUDGE

11
12 **A P P E A R A N C E S:**

13 MAZIE SLATER KATZ & FREEMAN, LLC
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For the Plaintiffs

16 HONIK LLC
17 BY: RUBEN HONIK, ESQUIRE
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24 Proceedings recorded by mechanical stenography; transcript
25 produced by computer-aided transcription.

A P P E A R A N C E S (Continued) :

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KIRTLAND & PACKARD LLP
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For the Plaintiffs

GREENBERG TRAURIG LLP
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3333 Piedmont Road, NE, Suite 2500
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BY: GREGORY E. OSTFELD, ESQUIRE
77 West Wacker Drive, Suite 3100
Chicago, Illinois 60601
For the Defendants, Teva Pharmaceutical Industries Ltd.,
Teva Pharmaceuticals USA, Inc., Actavis LLC,
and Actavis Pharma, Inc.

ALSO PRESENT:

LORETTA SMITH, ESQUIRE
Judicial Law Clerk to The Honorable Robert B. Kugler

Larry MacStravic, Courtroom Deputy

1 (PROCEEDINGS held in open court before The Honorable
2 ROBERT B. KUGLER at 12:46 p.m.)

3 THE COURT: Good afternoon. Have a seat.

4 Happy holidays, everybody.

5 RESPONSE: Good afternoon.

6 THE COURT: Okay. There doesn't seem to be much on
7 the agenda today.

8 Why don't we start with the orders to show cause.

9 Apparently we're not dismissing any cases today; is
10 that correct?

11 MR. HARKINS: That's correct, Your Honor. Two cases,
12 Berkovski and Parks will be withdrawn. Then we'll ask to
13 extend the orders to show cause in Samocha, Andrews and Harris
14 to the next case management conference.

15 THE COURT: Okay. Igor Berkovski and Janice Parks,
16 those orders to show cause will be dismissed.

17 And the Estate of Alexandra Samocha, Benjamin Andrews
18 and the Estate of Pauline Harris, they'll be relisted for the
19 next meeting.

20 And you have four you want to list for orders to show
21 cause.

22 Any updates on those?

23 MR. HARKINS: No updates there, Your Honor. We'll
24 ask for orders to show cause returnable at the next case
25 management conference in each of those four cases.

1 THE COURT: Ocie Mae Haughton, Mary Hines, Barbara
2 Kaluhiokalani and Robert Kennedy, anybody want to speak on
3 behalf of any of those four plaintiffs?

4 (No response.)

5 THE COURT: They'll be listed for orders to show
6 cause.

7 And you have six you want to relist.

8 Any update on those?

9 MR. HARKINS: Just one update, Your Honor. We've
10 identified number 5, the Parks case, as a duplicate. We'll
11 remove that from our listing going forward.

12 THE COURT: Oh, Janice Parks. Okay.

13 So then Fershter, Blanchard, Miller, Davidson,
14 Mantalis will all be listed again for a second listing.

15 MR. HARKINS: Thank you, Your Honor.

16 THE COURT: Anything else on these?

17 MR. HARKINS: Nothing further.

18 THE COURT: Great.

19 I was given a proposed Case Management Order 32B
20 amending 32. I just got that in.

21 Anybody have any comments on that?

22 MR. OSTFELD: Greg Ostfeld, Your Honor.

23 This is just -- this order addresses the issues that
24 were discussed at the last case management conference, the
25 answer deadline, the motion for summary judgment deadlines,

1 and the supplemental damages expert issue.

2 We're ready to address any questions the Court has,
3 or if you haven't had an opportunity to review it -- I know we
4 got it to you very shortly before the conference -- I'm also
5 happy to summarize it for the Court.

6 THE COURT: Well, why don't you summarize it. I
7 mean, I have it and I've read it, but let's summarize it for
8 the record.

9 And then I'll hear if there's any objections.

10 MR. OSTFELD: All right, Your Honor. With respect to
11 answers, the parties are agreed that answers will be filed as
12 to the TPP trial defendants on the TPP trial claims by
13 December 7, 2023. That's tomorrow.

14 Motions for summary judgment opening briefs will be
15 due two weeks after that, on December 21st, with oppositions
16 on January 22nd and replies on January 31st.

17 As in the past, we've proposed some adjustments to
18 the page limits to account for the fact that there are
19 multiple defendants, to try to reduce the total page count by
20 having omnibus briefs that are a little longer and then
21 defendant-specific briefs that are much shorter than the local
22 rules otherwise provide.

23 And then as to supplemental damages experts, the
24 parties were able to agree that it was appropriate to have
25 supplemental expert reports based on the pharmacy data. The

1 plaintiffs have already served their supplemental expert
2 report as of December 1. Defendants will have theirs ready by
3 December 29th.

4 And then we're going to meet and confer, and we will
5 propose dates to the Court for supplemental depositions and
6 Rule 702 briefing to the Court. We've anticipated by December
7 15th we'll have a proposal to the Court on that.

8 THE COURT: Okay. I assume plaintiffs are okay with
9 this?

10 MS. WHITELEY: We are, Your Honor. We reached an
11 agreement.

12 THE COURT: Okay. Then we'll enter the order today,
13 get that taken care of.

14 All right. What else? We'll start with the
15 plaintiffs. Anything else you want to talk about today?

16 MR. SLATER: I don't think we have any other issues
17 to raise today, Your Honor. We're just -- we're moving along.

18 We've been serving designations on the defense, as we
19 said at the last conference. We've started to broach the
20 subject of stipulations, but it seemed to make sense to get
21 those opening briefs exchanged and then start to talk about
22 whether there might be some commonalities and issues we can
23 stipulate to.

24 Other than that, we're getting ready to get these
25 briefs to Your Honor on the summary judgment motions.

1 THE COURT: I presume that everyone will stipulate to
2 the authenticity of all these business records?

3 MR. SLATER: I would think so.

4 THE COURT: I don't want to waste trial with records
5 custodians.

6 Anything from the defense?

7 MR. OSTFELD: Nothing from defense, Your Honor.

8 THE COURT: Wow, it's amazing. Remarkable. Thank
9 you.

10 All right. Then, have a great holiday.

11 We need a date for the next meeting. Oh, boy. This
12 is going to be a problem.

13 I propose we do the next one by Zoom so you don't all
14 have to come in.

15 How about January 4th, which is a Thursday?

16 MR. SLATER: Good with me.

17 THE COURT: Since we're going to do it by -- well, we
18 have some people -- do we still have people from the West
19 Coast?

20 MR. HONIK: A few.

21 MR. SLATER: They're still hanging on.

22 MR. PAREKH: Yes, Your Honor. Just one.

23 THE COURT: Who cares about it then.

24 All right. Let's do it on the 4th then at 1:00 p.m.,
25 how is that? It will be by Zoom.

1 And I assume no one objects to a Zoom. We've lost
2 our statutory authority to do them automatically, so
3 technically you all have to agree. But I think it's
4 preferable than having to drag you all into New Jersey. Okay?

5 MR. SLATER: No objection from the plaintiffs, Your
6 Honor.

7 MR. OSTFELD: No objection from defense, Your Honor.

8 THE COURT: All right. Well, have a great holiday,
9 everybody.

10 RESPONSE: Thank you. You as well, Judge.

11 (Proceedings concluded at 12:53 p.m.)

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14 I certify that the foregoing is a correct transcript
15 from the record of proceedings in the above-entitled matter.

16

<u>/S/ Ann Marie Mitchell</u>	<u>7th day of December, 2023</u>
<u>Court Reporter/Transcriber</u>	<u>Date</u>

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